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Attorney Docket No. 17810-509 NATL (SCI-9 NATL)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Uchida

**SERIAL NUMBER:** 09/890,539

**EXAMINER:** Robert Clinton Hayes, Ph.D.

**FILING DATE:** December 13, 2001

**ART UNIT:** 1647

**FOR:** USE OF COLLAGENASE IN THE PREPARATION OF NEURAL STEM CELL CULTURES

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT UNDER 37 CFR §1.321**

The owner, StemCells California, Inc., of 100% interest in the instant application (by virtue of the Assignment recorded at Reel/Frame No. 014137/0072 of the U.S. PTO Assignment Division) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer over claims 1-24 of prior U.S. Patent No. 6,238,922. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims

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canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, Applicant's representatives, file this Terminal Disclaimer under 37 C.F.R. § 1.34(a). A check (#20794) in the amount of \$65.00 for the terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included. The Commissioner is authorized to charge any additional fees, or credit any overpayment, to the account of the undersigned, Deposit Account No. 50-0311, Ref. No. 17810-509 NATL (SCI-9 NATL).

Respectfully submitted,



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